IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 52 of 1985

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CIT

Versus

PRABHAT FABRICS PVT.LTD.

Appearance:

MR MIHIR JOSHI FOR MR MANISH R BHATT for Petitioner

NOTICE UNSERVED for Respondent No. 1

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE A.R.DAVE

Date of decision: 31/08/2000

ORAL JUDGEMENT (Per D.M. DHARMADHIKARI, C.J.)

1. Under Section 256(1) of the Income-Tax Act, 1961, the following question of law has been referred:

"1.Whether, on the facts and in the circumstances of the case, the Tribunal has erred in law in holding that deduction u/s. 80M of the I.T.Act, 1961 should be allowed from the dividend income without deducting the amount of dividend exempt u/s. 80K of the I.T. Act, 1961?"

2. Notice was sent to the assessee, who has not been served. Learned counsel for the Department, however, points out that the question raised is squarely covered against the revenue in judgment in Income Tax Reference No. 10 of 1985 decided on 24-8-2000.

3. Consequently, the question referred to us is answered against the Revenue and in favour of the assessee and the reference is disposed of accordingly.

There shall be no order as to costs.

(D.M. DHARMADHIKARI, C.J.)

(A.R. DAVE, J)

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